

# CITY OF LYNDEN

## CITY COUNCIL



City Council - Regular Meeting  
City Hall - 300 Fourth Street  
October 02, 2023

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Oath of Office**

### **Summary Reports and Presentations**

### **Approval of Minutes**

1. Draft Council Minutes – September 18, 2023

### **Citizen Comment**

### **Consent Agenda**

2. Mayor's Status of the 2023 Budget

### **Public Hearing**

3. RES-23-1082 Parking Agreement with P2H, LLC (410 Front St)

### **Unfinished Business**

### **New Business**

4. RES-23-1081 Approving Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan for Judson Area Low Impact Development – Phase 3
5. RES-23-1083 Approving Use of a Clean Water State Revolving Fund Loan for Wastewater Treatment Plant (WWTP) Expansion – Phase 1B
6. Authorize Contract with Department of Enterprise Services for Wastewater Treatment Plant Investment Grade Audit
7. RES-23-1084 Interlocal Agreement – 2025 Comp Plan Cost Sharing

### **Reports**

8. Draft Public Works Committee Minutes -September 14, 2023
9. Draft Community Development Committee Minutes of September 20, 2023
10. Draft Parks Committee Minutes September 18, 2023

### **Executive Session**

### **Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|                                  |  |  |
|----------------------------------|--|--|
| <b>Meeting Date:</b>             | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>      | Draft Council Minutes – September 18, 2023   |  |
| <b>Section of Agenda:</b>        | Approval of Minutes  |  |
| <b>Department:</b>               | Administration   |  |
| <b>Council Committee Review:</b> | <input type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input type="checkbox"/> Parks | <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Public Works<br><input checked="" type="checkbox"/> Other: N/A  |
|                                  |  | <b>Legal Review:</b><br><input type="checkbox"/> Yes - Reviewed<br><input type="checkbox"/> No - Not Reviewed<br><input checked="" type="checkbox"/> Review Not Required |
| <b>Attachments:</b>              | Draft Council Minutes – September 18, 2023   |  |
| <b>Summary Statement:</b>        | Draft Council Minutes for Council review and possible approval.  |  |
| <b>Recommended Action:</b>       | Review and approve draft minutes.  |  |

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



September 18, 2023

### 1. CALL TO ORDER

Mayor Korthuis called to order the September 18, 2023 regular session of the Lynden City Council at 7:00 p.m. in the city's council chambers.

### PLEDGE OF ALLEGIENCE

### ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Nick Laninga, Kyle Strengholt and Mark Wohlrab.

Members absent: Councilor Kuiken and Lenssen absent with notice.

Staff present: Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Luke Phifer.

**OATH OF OFFICE – None.**

### SUMMARY REPORTS AND PRESENTATIONS

### APPROVAL OF MINUTES

***Councilor De Valois moved, and Councilor Wohlrab seconded to approve the September 5, 2023, regular council meeting minutes. Motion approved on 5-0 vote.***

### CITIZEN COMMENT

Gloria Bode, Cascade Lane, Lynden,  
Candy Hoksbergen, Greenfield Lane, Lynden,  
Elisha Wyatt, Brookfield Court, Lynden,  
Betty VanDyken, Pangborn Road, Lynden,  
Kush Brar, Lynden,  
Becki Taylor, Golfview Drive, Lynden

each of the above spoke in opposition to hydrofluorosilicic acid, an additive to the city's water supply. This group also requests that city council consider discontinuation of fluoridization of the city's municipal water supply.

# CITY OF LYNDEN



CITY COUNCIL  
MINUTES OF REGULAR MEETING

## 2. CONSENT AGENDA

### Payroll Liability for September 10 through September 23, 2023

#### EFT & Other Liabilities

##### Non-L&I Liabilities

|  |                     |
|--|---------------------|
| Monthly EFT .....                        | \$400,497.98        |
| Check Liability .....                    | \$0.00              |
| Total Non-L&I Liabilities .....          | \$400,497.98        |
| Quarterly Liabilities .....              | \$13,325.14         |
| <b>Total EFT &amp; Other Liabilities</b> | <b>\$413,823.12</b> |

### Approval of Claims – September 19, 2023

|                      |              |         |              |                        |                    |
|----------------------|--------------|---------|--------------|------------------------|--------------------|
| Manual Warrants No.  | <u>27985</u> | through | <u>24985</u> |                        | \$0.00             |
| EFT Payment Pre-Pays |              |         |              |                        | \$0.00             |
|                      |              |         |              | Sub Total Pre-Pays     | \$0.00             |
| Voucher Warrants No. | <u>28323</u> | through | <u>25437</u> |                        | \$2,061,069.30     |
| EFT Payments         |              |         |              |                        | <u>\$91,330.86</u> |
|                      |              |         |              | Sub Total              | \$2,152,400.16     |
|                      |              |         |              | Total Accounts Payable | \$2,152,400.16     |

RES-23-1080 Request to Cancel Checks  
ORD-23-1673 Amendment to the 2023 Budget

***Motion made by Councilor De Valois, seconded by Councilor Strengholt to approve the consent agenda as presented. Motion approved 5-0.***

**3. PUBLIC HEARING - None**

**4. UNFINISHED BUSINESS - None**

**5. NEW BUSINESS - None**

## 6. REPORTS

Councilor Wohlrab, Public Safety Committee, reported discussion of the following:

- All out stats supplied for September were based on calls received during the NW WA Fair (August).

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



- Creation of the BWC (body worn cameras) protocol continues. The training is expected to be complete in early October.
- Discussion of the fireworks issue determined that the complaints were mostly based on noise rather than a safety concern. City staff will launch a campaign to educate the public on compliant fireworks when those fireworks can be discharged.

Councilor Strengholt, Finance Committee, reported discussion of the following:

- OT numbers were slightly decreased.
- Sales tax remains strong.
- Review of items on the night's agenda.
- Review of satellite agency requests (Downtown Business Association, Project Hope, Lynden Heritage Museum, Lynden Community Center, Chamber of Commerce).

Councilor De Valois, Parks Committee, reported discussion of the following:

- Awaiting a response from HSKS, if the committee does not respond by Friday the city will move forward with another consultant.
- Schoolyard Park awaiting architectural plans.
- Depot to 8<sup>th</sup> Trail moving forward, bank stabilization has been completed.
- VanderGriend Lumber agreement is awaiting approval.
- Whatcom Million Trees project to remove ivy at Bender Fields is ongoing.
- Berthusen Park house has occupants.
- Dickinson House carport to be removed.

### For the Good of the Order

***Motion made by Councilor Bode, seconded by Councilor Strengholt to place consideration of discontinuation of fluoridization of the City's municipal water supply on the Council's agenda for a future meeting. Motion approved 5-0.***

***Motion made by Councilor Bode, seconded by Councilor Strengholt to direct City staff to develop a schedule, public notice strategy and date for public hearing before the City Council consistent with state law on the question of whether the City should consider discontinuing fluoridization of the City's municipal water supply. Motion approved 5-0.***

## 7. EXECUTIVE SESSION

The council did not hold an executive session.

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 8. ADJOURNMENT

September 18, 2023, regular session of the Lynden city council adjourned at 7:45 p.m.

\_\_\_\_\_  
Pamela D. Brown, City Clerk

\_\_\_\_\_  
Scott Korthuis, Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY - FINANCE



|  |  |  |
|--|--|--|
| <b>Meeting Date:</b>   | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>  | Mayor's Status of the 2023 Budget  |  |
| <b>Section of Agenda:</b>  | Consent  |  |
| <b>Department:</b>   | Finance  |  |
| <b>Council Committee Review:</b>   | <input type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input type="checkbox"/> Parks | <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Public Works<br><input type="checkbox"/> Other: _____   |
|  |  | <b>Legal Review:</b><br><input type="checkbox"/> Yes - Reviewed<br><input type="checkbox"/> No - Not Reviewed<br><input checked="" type="checkbox"/> Review Not Required |
| <b>Attachments:</b>  |  |  |
| The Mayor's 2023 Budget Status Update letter.  |  |  |
| <b>Summary Statement:</b>  |  |  |
| Per statute RCW 35.33.135, in preparation for the 2024 Preliminary Budget Review on October 16, 2023 the Mayor provides the City Council with an updated status regarding the current 2023 Budget. |  |  |
| <b>Recommended Action:</b>   |  |  |
| None – Information only for the Council's review.  |  |  |

# CITY OF LYNDEN

ADMINISTRATION DEPARTMENT  
Scott Korthuis, Mayor  
(360) 354 - 1170



## Memorandum

To: City Council Members  
From: Mayor Scott Korthuis  
Date: October 2, 2023  
Re: 2023 Budget Update

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### Status Report on the 2023 Budget

**Revenues** in all major accounts are projected to finish the year at or slightly higher than forecast. The only exception being Real Estate Excise Tax, which is currently projected to finish 10% lower than forecast. However, we must keep in consideration the impacts of continued high inflation. The City may be required to adjust its revenue projections accordingly. The status of the major revenue sources are as follows:

- **Property Tax** revenue has come in on schedule without delays or delinquencies. Current collections are 13% ahead of the forecasted budget. As the second half of the year collections come in Property Taxes are expected to level out and finish at year end on budget.
- **Sales Tax** has exceeded expectations again this year and are currently running 24% over forecast. The sales tax continues to benefit from the strength of the downtown Lynden businesses combined with the destination sales tax that comes from online sales. One must also factor in the effects of inflation to explain the increase. Sales Tax is projected to finish the year 15% over forecast.
- **Utility Tax** current revenue is 9% over the forecasted amount and is estimated to finish the year 8% over forecast.

The Water Fund revenues are coming in as forecast and are expected to continue to finish the same. Sewer Fund revenues are currently 4% above forecast and expected to finish the year as forecast.

# CITY OF LYNDEN

## ADMINISTRATION DEPARTMENT

Scott Korhuis, Mayor  
(360) 354 - 1170



**Expenditures** in total are projected at year end to be higher than forecast. The current expense funds are as follows:

- General Government – year to date, the current expenditures are over-running the forecast by 32%, this over-run is somewhat misleading as it is driven by the transfer out of existing ARPA funds. Estimates have these expenditures slowing down towards year end with the General Government finishing closer to forecast.
- Police Department - the current expenditures are 3% under the forecasted budget due to an under-run in Police Investigations. Expenditures are projected to continue to increase into the 4<sup>th</sup> quarter for holiday overtime and capital expenditures, and at year end the department is estimated to finish 3% over forecast.
- Fire Department - the current expenditures are 92% over the forecasted budget due to over-runs in capital expenditure. This over-run is again misleading as it is due to the early payoff of the inter-fund loan for the Fire Station remodel. If we were to exclude the one time Fire Station payoff from this year's expense, the department would finish this year only 2% over forecast.
- Streets Department - the current expenditures are 18% over forecast. Slightly higher than expected costs in roadways and traffic controls are driving the overage. This will level off into the 4<sup>th</sup> quarter and the department will finish the year closer to, but still 8% over its forecasted budget.
- Parks Department - the current expenditures are 31% over forecast due to some unexpected administrative settlement costs and higher than expected operations costs. With seasonal employment having ended and overall costs tapering down into the 4<sup>th</sup> quarter the Parks Department is estimated to finish the year 20% over forecast.
- Community Services Department - the current expenditures are -58% under the forecasted budget. The under-run is being driven by a delay in repair expenditures at the community center. These repairs will not be completed by year end and it is estimated that community services in total will finish -40% under budget.

Your monthly financial statements for September will provide you with more detailed information.

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|                                  |  |  |
|----------------------------------|--|--|
| <b>Meeting Date:</b>             | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>      | Res 23-1082 Parking Agreement with P2H, LLC (410 Front St)   |  |
| <b>Section of Agenda:</b>        | Public Hearing   |  |
| <b>Department:</b>               | Public Works Department  |  |
| <b>Council Committee Review:</b> | <input type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input type="checkbox"/> Parks   | <input type="checkbox"/> Public Safety<br><input checked="" type="checkbox"/> Public Works<br><input type="checkbox"/> Other: _____              |
|                                  |  | <b>Legal Review:</b>   |
|                                  |  | <input checked="" type="checkbox"/> Yes - Reviewed<br><input type="checkbox"/> No - Not Reviewed<br><input type="checkbox"/> Review Not Required |
| <b>Attachments:</b>              | Res 23-1082, Proposed Parking Agreement with Exhibits  |  |
| <b>Summary Statement:</b>        | <p>P2H, LLC, a property owner within the Historic Business District (HBD), is proposing to enter into an agreement with the City of Lynden which would allow residents of the three apartment units proposed above their first-floor business to park in city-owned parking lots.</p> <p>Although new residential units created within the HBD are only required to provide one on-site parking stall per unit, in this case, there is no on-site opportunity as the existing building is built to the full extent of the lot.</p> <p>The agreement was discussed in the Public Works Committee. The resulting resolution and agreement details the license and terms.</p> |  |
| <b>Recommended Action:</b>       | <p>Motion to approve Resolution 23-1082 and enter into a shared parking agreement between P2H, LLC and the City of Lynden and authorizing the mayor's signature on the resolution and agreement.</p>   |  |

CITY OF LYNDEN  
CITY COUNCIL RESOLUTION NO. 23-1082

**A resolution of the Council of the City of Lynden, Washington,  
Approving a Parking Agreement with PH2, LLC within the Historic Business District**

WHEREAS, the Vision Policies within the City Comprehensive Plan promotes cooperation between business owners, citizens and city officials to encourage economic vitality in the City; and

WHEREAS, the City Downtown Development Plan calls for economic enhancement of the Historic Business District of Lynden by encouraging diversity and mixed uses, improving economics for business owners, encouraging joint public/private partnerships, making the Historic Business District attractive to visitors, and increasing the community's tax base; and

WHEREAS, P2H, LLC is in the process of adding three (3) residential units in the downtown Historic Business District at the property located at 410 Front Street (the Property); and

WHEREAS, the Property is benefited by a parking agreement; and

WHEREAS, the Property, per Lynden Municipal Code 19.51.160, is required to provide one on-site parking stall per residential unit; and

WHEREAS, the Property is dominated by the existing structure with no reasonable ability to provide on-site parking; and

WHEREAS, the City owns property currently used for parking in the vicinity of the Property, for which it has excess capacity; and

WHEREAS, parking for retail and professional services during peak business hours and parking for the residences in off-peak hours can be complementary uses rather than competing uses; and

WHEREAS, current use patterns have demonstrated a capacity for additional parking use in off- peak hours; and

WHEREAS, the residential units within the Historic Business District will generate additional customers within walking distance of downtown business; and

WHEREAS, on October 2, 2023, the City Council held a public hearing regarding this agreement which was duly noticed.

NOW THEREFORE, BE IT RESOLVED by the Lynden City Council to approve the Shared Parking Agreement with P2H, LLC as attached, hereto.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF \_\_\_\_\_ IN FAVOR, \_\_\_\_\_ AGAINST, SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

MAYOR

\_\_\_\_\_  
Scott Korthuis

ATTEST:

\_\_\_\_\_  
Pam Brown, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Carmichael, City Attorney

After recording return document to:  
ROBERT A. CARMICHAEL  
CARMICHAEL CLARK, P.S.  
P.O. BOX 5226  
BELLINGHAM, WA 98227

**DOCUMENT TITLE:**  
SHARED PARKING AGREEMENT

**REFERENCE NUMBER OF RELATED DOCUMENT:**

**GRANTOR:**  
CITY OF LYNDEN, a Washington municipal corporation

**GRANTEE:**  
P2H, LLC, a Washington limited liability company

**ABBREVIATED LEGAL DESCRIPTION(S):**  
LOT 3, BLK 11, SUPPLEMENTAL AND CORRECTED PLAT OF LYNDEN  
LOT 1 & PTN LOT 2, BLOCK 9; PTNS LOTS 3-4, BLOCK 10; AND LOT 1 AND PTN LOT 2, BLOCK 12, ALL OF  
SUPPLMNTL & CORRECTED PLAT OF LYNDEN

*Full legal at page 11 & 12 hereto.*

**ASSESSOR'S TAX PARCEL NUMBER(S):**  
400320 303322 0000  
400320 322333 0000  
400320 202260 0000  
400320 240304 0000

**AGREEMENT FOR SHARED PARKING**

This agreement for shared parking (“Agreement”) is made and entered into this \_\_\_ day of \_\_\_\_\_2023, by and between the City of Lynden, a municipal corporation organized under the laws of the state of Washington (“City” or “Lynden”) and P2H, LLC, a limited liability company, organized under the laws of the state of Washington.

**WHEREAS**, the Vision Policies within the City Comprehensive Plan promotes cooperation between business owners, citizens and city officials to encourage economic vitality in the City; and

**WHEREAS**, the City Downtown Development Plan calls for economic enhancement of the Historic Business District of Lynden by encouraging diversity and mixed uses, improving economics for business owners, encouraging joint public/private partnerships, making the Historic Business District attractive to visitors, and increasing the community’s tax base; and

**WHEREAS**, P2H, LLC is in the process of adding three (3) residential units in the downtown Historic Business District at the property legally described in Exhibit A (“Property”); and

**WHEREAS**, the Property is benefited by this Agreement; and

**WHEREAS**, the Property, per Lynden Municipal Code 19.51.160, is required to provide one on-site parking stall per residential unit; and

**WHEREAS**, the Property is dominated by the existing structure with no reasonable ability to provide on-site parking; and

**WHEREAS**, the City owns property currently used for parking in the vicinity of the Property, for which it has excess capacity; and

**WHEREAS**, City-owned properties currently used for parking within 300 feet of the Property and burdened by this agreement, are legally described in Exhibit B attached hereto and depicted in Exhibit C (“City Parking Properties”); and

**WHEREAS**, parking for retail and professional services during peak business hours and parking for the residences in off-peak hours can be complementary uses rather than competing uses; and

**WHEREAS**, current use patterns have demonstrated a capacity for additional parking use in off-peak hours; and

**WHEREAS**, the residential units within the Historic Business District will generate additional customers within walking distance of downtown business; and

**WHEREAS**, the City intends to issue to residents of the Property parking permits to manage and enforce the rights and privileges created by the license the City grants P2H, LLC herein; and

**WHEREAS**, in particular, the City intends to issue up to three (3) permits pursuant to the license (“License- Based Permits” or “Permits”); and

**WHEREAS**, each Permit shall allow its holder to park one (1) vehicle in one (1) parking space, consistent with the terms herein; and

**WHEREAS**, the foregoing recitals are a material part of this Agreement;

**NOW THEREFORE**, the Parties agree as follows:

**AGREEMENT**

**I. License**

- A. Grant of License: The City hereby grants P2H, LLC a license for ingress and egress over City Parking Properties, and non-exclusive possession for purposes of parking, of three (3) automobile parking stalls on City Parking Properties (“License”). The License shall be terminable or revocable only as set forth herein and shall be assigned by P2H, LLC only as set forth herein.
- B. Consideration: The consideration for this License shall be the annual Permit Fee described in Section II(C)(ii), which must be timely paid to maintain the Permits in good standing.
- C. Number of Permits: Up to a maximum of three (3) License-Based Permits shall be issued pursuant to this License.
- D. Termination of License and License-Based Permits. The City may, at its sole option, refuse to re-issue or renew some or all of the three (3) License-Based Permits, without cause, when said Permits become due for annual renewal. If the City intends to exercise this termination option, it shall inform P2H, LLC in writing at least one hundred eighty (180) days in advance. If the City refuses to re-issue or renew all three (3) License-Based permits, the License granted under subsection A herein shall be terminated.

**II. Additional Terms**

A. Scope. This Agreement allows residents of the Property in possession of a valid and unexpired Permit the right to park on the City Parking Properties, to accommodate up to three (3) residential units as described herein:

- i. Scope of Parking. The Permits will allow residents of the Property to park vehicles overnight and as needed on the City Parking Properties for residential use. The use of the City Parking Properties by residents is subordinate to the City’s use of the City Parking Properties and may be temporarily suspended on an as-needed bases, such as to accommodate the City’s special event permits which utilize City parking lots, and development, maintenance, repair, or snow clearing of the City Parking Properties. Neither this Agreement nor the Permits are intended to grant or assign any particular parking spot(s) on City Parking Properties or provide a right to park on a particular lot designated as one of the City Parking Properties. This Agreement and the Permits do not expand the privileges of the residents of the Property at any other parking location, including street parking.
- ii. Nonexclusive Use. Subject to the terms herein, this Agreement grants P2H, LLC nonexclusive use of the City Parking Properties. The City reserves the right to use the City Parking Properties as it sees fit and reserves the right to grant other licenses, easements, and parking permits for the City Parking Properties without notice to P2H, LLC. This Agreement does not guarantee such parking will be available to Permit holders at the designated City Parking Properties at any given time, nor does it provide P2H, LLC or their residents with the right to remove or cause the removal of vehicles parked at the City Parking Properties.
- iii. Lot at 324 Front Street (4<sup>th</sup> Street Parking Lot): The Lot located at 324 Front Street is to be the Primary Parking for residents of the Property with valid Permits. Other City Parking Properties described at Exhibit B

and depicted at Exhibit C shall be used only when this primary parking lot is in use or otherwise has limited availability. Parking availability may be limited when these parking lots accommodate the City's special event permits, development, maintenance, repair, or snow clearing of City Properties.

- iv. Applicability of Lynden Municipal Code and Additional Prohibitions. This Agreement and the Permits do not exempt Permit holders from conforming to the Lynden Municipal Code and any other City rules or restrictions on parking on City Parking Properties as they exist now or in the future, except as otherwise specifically stated in this Agreement. Permit holders are prohibited from conducting any type of vehicle cleaning, maintenance, or repair while parked in City Parking Properties.

- B. Addition or Removal of City Parking Properties from this Agreement. The City may permanently remove any one City Parking Property from this Agreement by notifying P2H, LLC in writing. No prior notice of such removal is required. The City may permanently remove a second City Parking Property from this Agreement within 180 days' prior written notice to P2H, LLC. The Parties anticipate that they may amend this Agreement to add additional city-owned parking lots to the City Parking Properties or to swap a city-owned parking lot not included in this Agreement for one of the City Parking Properties.

- C. Parking Permits-Issuance, Use and Termination.

- i. Permits issued annually. Upon receipt of the annual fees due, the City shall annually issue the Permit to P2H, LLC to distribute to owners and/or renters of units with the Property. Prior to issuance of the Permits, P2H, LLC shall provide the City the name of each resident to be issued a License-Based Permit.
- ii. Fee for Permits: An annual fee for a Historic Business District residential parking permit, established by City ordinance and subject to annual review and adjustment, will be due at the time of issuance. The initial

annual fee will be two hundred and forty dollars (\$240.00) per License-Based Permit.

- iii. Permit Use: Valid Permits must be displayed in the vehicles parking overnight in the City Parking Properties. Permits shall only be used by the resident to which it was issued and shall not be used by third parties. Permits found to be used by third parties who are not residents of the Property shall be subject to City action under subsections (C)(iv) and (C)(v) herein. Vehicles displaying expired Permits or vehicles parking overnight in parking areas not included in this Agreement will be subject to parking enforcement.
- iv. Suspension and Revocation of License-Based Permits and Termination of License for Cause. In the event that the City believes P2H, LLC or a License-Based Permit holder has improperly used any Permits issued under grant of the License, the City agrees to contact P2H, LLC. Should such Permit-related issues not be resolved to the City's satisfaction, the City may in its sole discretion temporarily suspend or permanently revoke the License-Based Permit(s) without issuing a refund of the Permit fee. In the event of such a Permit revocation, the City may in its discretion terminate the License upon which said Permit was granted, effective upon providing written notice thereof to P2H, LLC.
- v. Termination of License-Based Permits Without Cause. The City may in its sole discretion decline to renew or re-issue up to all three (3) of the Permits issued pursuant to the grant of License, as set forth in Section I.D herein.
- vi. Extinguishment of Recorded License. Upon termination of the License authorizing issuance of License-Based Permits, the City may record an extinguishment of the License with the County Auditor.

D. Term. The term of this Agreement initiates upon issuance of the initial certificate of occupancy for residential use at the Property.

E. Indemnification. P2H, LLC. shall fully indemnify and hold the City harmless for

any claims, losses, liabilities, damages, and expenses (including reasonable attorney’s fees) arising out of the ingress, egress, use or occupation of one or more of the City Parking Properties by an owner, employee, resident, invitee of the resident, agent, contractor, or subcontractor of the owner or operation of the P2H, LLC. or by any person doing business with P2H and other commercial or non-profit tenants located at the Property.

F. Insurance. P2H, LLC shall maintain, at its own expense, for the benefit of itself and the City, insurance against liability for property damage or loss and against liability for personal injury or death, arising from acts or omissions of P2H, LLC, its owners, agents, subcontractors, employees, tenants, residents, and invitees or guests of tenants or residents. Prior to commencement of this Agreement, P2H, LLC, shall deliver to the City certificates or binders evidencing the existence of the insurance required herein. Such policy or policies shall name the City as an additional insured, and shall contain a provision whereby the City must receive at least thirty (30) days’ prior written notice of any cancellation or reduction in P2H, LLC’s insurance coverage. In addition, should P2H, LLC be notified or have reason to expect a termination or cancellation action by its insurance company, P2H, LLC will provide the City with at least thirty (30) days advance written notice. Any reduction or cancellation in the coverage or limits shown here, or any failure to provide proof of the required insurance or to timely provide the notice required herein shall constitute a material breach of this Agreement and be cause for immediate termination of this Agreement and the License granted herein, and immediate revocation of all Permits used.

P2H, LLC shall possess the following insurance with coverage amounts not less than as specified below:

|                              |  |
|------------------------------|--|
| General and Excess Liability | \$ One Million per occurrence/<br>\$ Two Million aggregate |
|------------------------------|--|

G. Notice: All notices or demands to be given by any Party to any other Party pursuant to this Agreement shall be deposited in the United States mail, postage prepaid, by first-class mail and addressed to:

P2H, LLC.  
7122 287<sup>th</sup> Pl. NW.  
Stanwood, WA 98292

CITY OF LYNDEN  
Attn: Public Works Director  
300 4<sup>th</sup> Street  
Lynden WA 98264

Notices and demands sent by mail shall be deemed to have been given and delivered when property mailed and the postmark affixed by the United States Post Office shall be conclusive evidence of the date of mailing.

H. Non-Waiver of Breach. Failure of either party at any time to require performance of any provision of this Agreement shall not limit such Party’s right to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

I. Governing Law and Venue. Any dispute arising out of this Agreement shall be governed by the laws of the State of Washington. The venue shall be in Whatcom County Superior Court.

J. All Remedies at Law and Equity Available. In the event of a breach of this Agreement, all remedies in law and equity shall be available to the Parties, including the remedy of specific performance.

K. Attorney’s Fees and Costs. In the event of any cause of action or litigation arising out of an alleged breach of this Agreement, the prevailing Party shall be entitled to recover its reasonable attorney’s fees and costs from the other Party.

L. Complete Agreement; Modification in Writing. This Agreement constitutes the entire agreement as to the matters contained herein. No oral or written statements shall be considered a part of this License unless expressly incorporated herein in writing. This Agreement may not be modified or amended except by the written agreement of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date specified above.

**CITY OF LYNDEN**

**P2H, LLC:**

\_\_\_\_\_  
By: Scott Korthuis  
Its: Mayor

\_\_\_\_\_  
By: Robert Hicks  
Its: Managing Member

STATE OF WASHINGTON )  
  )§  
COUNTY OF WHATCOM )

I certify that I know or have satisfactory evidence that SCOTT KORTHUIS is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the MAYOR of the CITY OF LYNDEN to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_, 2023.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington. My Commission expires \_\_\_\_\_.

STATE OF WASHINGTON )  
  )§  
COUNTY OF WHATCOM )

I certify that I know or have satisfactory evidence that ROBERT HICKS is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the MANAGING MEMBER of P2H, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_, 2023.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington. My Commission expires \_\_\_\_\_.

**EXHIBIT A**  
**BENEFITTED PROPERTY**

Parcel Number 400320 303322 0000

The East half of the South half of Lot 3, Block 11, "Supplemental and Corrected Plat of Lynden," Whatcom County, Washington, as per the map thereof, recorded in Book 3 of Plats, page 48, in the Auditor's Office of said county and state, also the Westerly 15 feet of the Southerly 140 feet of Lot 4, Block 11, "Supplemental and Corrected Plat of Lynden," Whatcom County, Washington, as per the map thereof, recorded in Book 3 of Plats, page 48, in the Auditor's Office of said county and state.

Situate in Whatcom County, Washington

**EXHIBIT B  
CITY PARKING PROPERTIES**

**PRIMARY PARKING:**

324 Front Street (4<sup>th</sup> Street Parking Lot) – Parcel Number 400320 322333 0000

All of Lot 1 together with the west half of Lot 2 in Block 12 of the “Supplemental and Corrected Plat of Lynden,” as per the map thereof recorded in Book 3 of Plats, Page 48, in the Auditor’s Office of Whatcom County, Washington. Being within Section 20, Township 40 North, Range 3 East of W.M.

Situate in Whatcom County, Washington.

**SUPPLEMENTAL PARKING:**

618 Front Street (7<sup>th</sup> Street Parking Lot) – Parcel Number 400320 202260 0000

Lots 1 and 2 of Block 9, except the easterly 2 feet of said Lot 2 of the “Supplemental and Corrected Plat of Lynden,” as per the map thereof recorded in Book 3 of Plats, Page 48, in the Auditor’s Office of Whatcom County, Washington. Being within Section 20, Township 40 North, Range 3 East of W.M. Together with rights in a party wall agreement recorded in Volume 240 of Deeds, Page 79.

Situate in Whatcom County, Washington.

Parking Lot between 5<sup>th</sup> and 6<sup>th</sup> Streets – Parcel Number 400320 240304 0000

The East 25 feet of Lot 3 together with the west 25 feet of Lot 4 in Block 10 of the “Supplemental and Corrected Plat of Lynden,” as per the map thereof recorded in Book 3 of Plats, Page 48, in the Auditor’s Office of Whatcom County, Washington. Being within Section 20, Township 40 North, Range 3 East of W.M.

Situate in Whatcom County, Washington.

**EXHIBIT B  
CITY OWNED PARKING PROPERTIES**



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|                                  |  |  |
|----------------------------------|--|--|
| <b>Meeting Date:</b>             | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>      | Resolution No. 23-1081 Approving Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan for Judson Area Low Impact Development – Phase 3   |  |
| <b>Section of Agenda:</b>        | New Business   |  |
| <b>Department:</b>               | Public Works   |  |
| <b>Council Committee Review:</b> | <input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Finance <input checked="" type="checkbox"/> Public Works<br><input type="checkbox"/> Parks <input type="checkbox"/> Other: _____   | <b>Legal Review:</b><br><input type="checkbox"/> Yes - Reviewed<br><input checked="" type="checkbox"/> No - Not Reviewed<br><input type="checkbox"/> Review Not Required |
| <b>Attachments:</b>              | Resolution No. 23-1081   |  |
| <b>Summary Statement:</b>        | <p>Staff has applied for and received Department of Ecology approval for a Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan to construct stormwater improvements on Judson Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street and 10<sup>th</sup> Street from Judson Street to Front Street. This is the third and final phase of street and stormwater improvements in the Judson area bounded by 7<sup>th</sup> and 10<sup>th</sup> Streets on the east and west, and Front Street to the north. Included in this funding package is a grant in the amount of \$1,525,419.00 and a loan in the amount of \$269,191.00 (including \$67,298.00 forgivable principal) with terms of 20 years and a 1.2% interest rate. Staff is planning to use TBD funds for repayment of the loan and provide sewer and water funds for needed utility upgrades under the streets.</p> <p>This was discussed at the September 14, 2023, Public Works Committee meeting.</p> |  |
| <b>Recommended Action:</b>       | That City Council approve Resolution No. 23-1081 Approving City Use of Stormwater Financial Assistance Program Grant and Clean Water State Revolving Fund Loan for Judson Area Stormwater Low Impact Development – Phase 3 and authorize the Mayor’s signature on the applicable agreement with the Department of Ecology.   |  |

**RESOLUTION NO. 23-1081**

**A RESOLUTION APPROVING CITY OF LYNDEN USE OF CLEAN WATER STATE REVOLVING FUND AND STORMWATER FINANCIAL ASSISTANCE UNDER AGREEMENT NUMBER WQC-2024-LYNDPW-00002 FOR CONSTRUCTION OF JUDSON STREET DOWNTOWN LID DEMONSTRATION PROJECT – PHASE 3**

**WHEREAS**, the Washington State Department of Ecology (“WSDOE”), a Washington state agency, has established the Stormwater Financial Assistance Program (SFAP) and Clean Water State Revolving Fund (CWSRF) to provide financial assistance for municipal stormwater projects; and

**WHEREAS**, the City of Lynden applied for an SFAP Grant and CWSRF Loan to finance construction of the Judson Street Downtown LID Demonstration Project – Phase 3; and

**WHEREAS**, the City has received WSDOE approval for an SFAP Grant in the amount of \$1,525,419.00 and a CWSRF Loan in the amount of \$201,893.00 (including \$67,298.00 forgivable principal), with terms of 20 years and a 1.2% interest rate, for stormwater improvements on 10<sup>th</sup> Street from Judson Street to Front Street and adjacent alleys; and

**WHEREAS**, the Washington State Department of Ecology (WSDOE) requires the City to approve the scope of work and use of said SFAP Grant and CWSRF Loan Funds per Agreement WQC-2024-LyndPW-00002; and

**WHEREAS**, the foregoing recitals are a material part of this resolution;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Lynden, Whatcom County, Washington that:

Section 1: The City of Lynden City Council does hereby accept, authorize and approve the use of a WSDOE SFAP Grant and CWSRF Loan as described above to finance the final design, permitting construction and construction management of the following scope of work:

Stormwater infiltration trenches, pervious concrete, stormwater treatment devices, and other improvements, in a residential neighborhood in the City of Lynden including Judson Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street and 10<sup>th</sup> Street from Judson Street to Front Street.

The City Council further authorizes the Mayor to enter into an agreement with WSDOE for this scope of work and take other such action as necessary and relevant to receiving funding under the applicable SFAP Grant and CWSRF Loan.

Section 2: If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences,

clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 3: This Resolution shall be in full force and effect on \_\_\_\_\_, 2023.

**PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ IN OPPOSITION, AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Mayor Scott Korthuis

ATTEST:

\_\_\_\_\_  
City Clerk Pam Brown

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Bob Carmichael

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|                                  |  |  |
|----------------------------------|--|--|
| <b>Meeting Date:</b>             | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>      | Resolution No. 23-1083 Approving Use of a Clean Water State Revolving Fund Loan for Wastewater Treatment Plant (WWTP) Expansion – Phase 1B   |  |
| <b>Section of Agenda:</b>        | New Business   |  |
| <b>Department:</b>               | Public Works   |  |
| <b>Council Committee Review:</b> | <input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Finance <input checked="" type="checkbox"/> Public Works<br><input type="checkbox"/> Parks <input type="checkbox"/> Other: _____   | <b>Legal Review:</b><br><input type="checkbox"/> Yes - Reviewed<br><input checked="" type="checkbox"/> No - Not Reviewed<br><input type="checkbox"/> Review Not Required |
| <b>Attachments:</b>              | Resolution No. 23-1083   |  |
| <b>Summary Statement:</b>        | <p>Staff has applied for and received Department of Ecology approval for a Clean Water State Revolving Fund Loan to fund final design of a Modified Ludzak-Etinger (MLE) retrofit of the oxidation ditches, aerobic digestion supplemental aeration, dewatering capacity increase, RAS/WAS reconfiguration, air gap system, and replacing the existing WWTP transformers. The loan is in the amount of \$1,978,000 with terms of 20 years and a 1.2% interest rate. Staff is planning to use wastewater funds for repayment of the loan and to supplement design costs.</p> <p>This was discussed at the September 14, 2023, Public Works Committee meeting.</p> |  |
| <b>Recommended Action:</b>       | That City Council approve Resolution No. 23-1083 Approving City Use of a Clean Water State Revolving Fund Loan for Wastewater Treatment Plant (WWTP) Expansion – Phase 1B and authorize the Mayor’s signature on the applicable agreement with the Department of Ecology.  |  |

**RESOLUTION NO. 23-1083**

**A RESOLUTION APPROVING CITY OF LYNDEN USE OF CLEAN WATER STATE REVOLVING FUNDS UNDER AGREEMENT NUMBER WQC-2024-LYNDPW-00003 FOR DESIGN OF WASTEWATER TREATMENT PLANT (WWTP) EXPANSION – PHASE 1B**

**WHEREAS**, the Washington State Department of Ecology (“WSDOE”), a Washington state agency, has established the Clean Water State Revolving Fund (CWSRF) to provide financial assistance for municipal wastewater projects; and

**WHEREAS**, the City of Lynden applied for a CWSRF Loan to finance design of the WWTP Expansion – Phase 1B; and

**WHEREAS**, the City has received WSDOE approval for a CWSRF Loan in the amount of \$1,978,000.00, for design of the WWTP Expansion – Phase 1B; and

**WHEREAS**, the Washington State Department of Ecology (WSDOE) requires the City to approve the scope of work and use of said CWSRF Loan Funds per Agreement WQC-2024-LyndPW-00003; and

**WHEREAS**, the foregoing recitals are a material part of this resolution;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Lynden, Whatcom County, Washington that:

Section 1: The City of Lynden City Council does hereby accept, authorize and approve the use of a WSDOE CWSRF Loan as described above to finance the final design of the following scope of work:

A Modified Ludzak-Etinger (MLE) retrofit of the oxidation ditches, aerobic digestion supplemental aeration, dewatering capacity increase, RAS/WAS reconfiguration, air gap system, and replacing the existing WWTP transformers.

The City Council further authorizes the Mayor to enter into an agreement with WSDOE for this scope of work and take other such action as necessary and relevant to receiving funding under the applicable CWSRF Loan.

Section 2: If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 3: This Resolution shall be in full force and effect on \_\_\_\_\_, 2023.

**PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ IN OPPOSITION, AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Mayor Scott Korthuis

ATTEST:

\_\_\_\_\_  
City Clerk Pam Brown

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Bob Carmichael

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

|                                  |   |  |
|----------------------------------|---|--|
| <b>Meeting Date:</b>             | October 2, 2023   |  |
| <b>Name of Agenda Item:</b>      | Authorize Contract with Department of Enterprise Services for Wastewater Treatment Plant Investment Grade Audit   |  |
| <b>Section of Agenda:</b>        | New Business  |  |
| <b>Department:</b>               | Public Works  |  |
| <b>Council Committee Review:</b> | <input type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input type="checkbox"/> Parks  | <input type="checkbox"/> Public Safety<br><input checked="" type="checkbox"/> Public Works<br><input type="checkbox"/> Other: _____                                      |
|                                  |   | <b>Legal Review:</b><br><input checked="" type="checkbox"/> Yes - Reviewed<br><input type="checkbox"/> No - Not Reviewed<br><input type="checkbox"/> Review Not Required |
| <b>Attachments:</b>              | Department of Enterprise Services Agreement No. 2024-224 A (1)<br>Contract Between Trane and Department of Enterprise Services  |  |
| <b>Summary Statement:</b>        | <p>Public Works received Department of Ecology approval for a Clean Water State Revolving Fund Loan to finance the preliminary design of the multi-phase Wastewater Treatment Plant expansion project. This agreement with the Department of Enterprise Services (DES) will provide defined cost effectiveness criteria that achieve the operational goals of the City and a guaranteed maximum cost for project delivery.</p> <p>This action was affirmed by the Public Works Committee at their September 14, 2023 meeting.</p> |  |
| <b>Recommended Action:</b>       | That City Council approve Agreement No. 2024-224 A (1) with the Department of Enterprise Services and authorize the mayor's signature.  |  |



STATE OF WASHINGTON  
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson St. SE, Olympia, WA 98501  
PO Box 41476, Olympia, WA 98504-1476

September 27, 2023

TO: Jon Hutchings, City of Lynden  
FROM: Kim Obi, Contracts Specialist, (360) 972-5003  
RE Agreement No. 2024-224 A (1)  
IGA – WWTP Oxidation Ditch MLE Upgrade  
IAA No. K7591  
Trane U.S., Inc.

SUBJECT: Funding Approval

The Dept. of Enterprise Services (DES), Energy Program, requires funding approval for the above referenced contract documents. The amount required is as follows:

|                      |                     |
|----------------------|---------------------|
| ESCO Audit           | <u>\$875,830.00</u> |
| <b>Total Funding</b> | <b>\$875,830.00</b> |

**In accordance with the provisions of RCW 43.88, the signature affixed below certifies to the DES Energy Program that the above identified funds are appropriated, allotted or that funding will be obtained from other sources available to the using client/agency. The using/client agency bears the liability for any issues related to the funding for this project**

By \_\_\_\_\_  
Name / Title Date

Please sign and return this form to the Energy Program. If you have any questions, please call me.



City of Lynden

Investment Grade Audit Proposal, WWTP Oxidation Ditch MLE Upgrade

September 26, 2023  
Ms. Novella Randall  
Department of Enterprise Services  
1500 Jefferson Street SE  
PO Box 41476  
Olympia, WA 98504-1476

SUBJECT: Detailed Investment Grade Audit Fee Proposal  
City of Lynden WWTP –Oxidation Ditch MLE Upgrade

Dear Ms. Randall:

We are pleased to submit this Investment Grade Audit (IGA) Proposal for energy improvements at City of Lynden's Wastewater Treatment Plant (WWTP) located at 800 S 6th St, Lynden, WA 98264. The City needs to increase the capacity of the WWTP to treat projected increases in flows and loads from a growing population and increased industrial activity. This project will implement the Modified-Ludzack Ettinger (MLE) improvements described in the Wastewater Treatment Plant Expansion Project Engineering Report (BHC Consultants, August 2022) as the preferred method to reduce long-term risk and costs for the City. Trane will provide scope of work documents, project development, cost estimating, energy/operational savings calculations, pre-retrofit measurement and verification, support with grant applications if applicable, and coordination with the utility provider if applicable for the subject project in accordance with the following:

Trane will undertake a detailed Investment Grade Audit (IGA) of specific systems within the WWTP. The primary focus of the IGA includes the elements listed below to assemble a project that meets the defined cost effectiveness criteria, achieves the operational goals of City, and may be submitted for applicable utility incentives and grants and loans.

### **Primary IGA Focus/Scope of Work**

The Energy Conservation Measures (ECMs) to be studied as part of this IGA are summarized below.

#### **ECM-1. Upgrade Oxidation Ditch:**

The intent of this measure is to upgrade the existing Oxidation Ditches system with new equipment to increase biological treatment capacity and nitrogen removal within the existing oxidation ditch footprints using a non-proprietary MLE process. The current brush rotor aerators have reached their load capacity. The new blowers will be more energy efficient than the existing brush rotor aerators and will allow for variable airflow control to further improve performance and efficiency in comparison to expanding the oxidation ditch process. A new facility will be constructed to house the blowers and electrical gear. The electrical gear will include a replacement for existing motor control center (EMCC #1) with a new MCC #1 located in the new blower building. Trane will select new blowers and diffusers to satisfy the 20-year load projections for the plant and that optimize future energy use and maintenance costs.

#### **1. Scope of Work Development**

- a. Procure and manage sub-consultants
- b. Conduct a design workshop with the City and DES to review design features, equipment options, and operational requirements
- c. Work with City staff to identify and apply for applicable grants and/or loans as applicable.
- d. Conduct meetings and site visits throughout the IGA as needed to provide information to the City and DES at key points: a preliminary design workshop (described under item b), site visits to create the preliminary scope documents, preliminary design review meeting with the City and DES, a formal pre-bid meeting and contractor site walk, and presentation of guaranteed cost and savings.



- e. The final preliminary design documents are estimated to be approximately 50% and will include the following drawings, however the actual drawing index may vary during the course of the IGA. The preliminary design effort will include the following elements:

| Drawing #                              | Drawing Name | Drawing Title   |
|--|--------------|---|
| <b>GENERAL (G) DRAWINGS</b>            |              |   |
| 1                                      | G-1          | Cover Sheet, Index of Drawings, Location and Vicinity Map       |
| 2                                      | G-2          | Legend, Symbols, and Designations                               |
| 3                                      | G-3          | Site Map, Abbreviations, and General Notes                      |
| 4                                      | G-4          | Process Flow Diagram and Design Criteria                        |
| 5                                      | G-5          | Hydraulic Profile   |
| 6                                      | G-6          | Equipment List  |
| <b>DEMOLITION (D) DRAWINGS</b>         |              |   |
| 7                                      | D-1          | Demolition Site Plan - West                                     |
| 8                                      | D-2          | Demolition Site Plan - East                                     |
| 9                                      | D-3          | Demolition Plan and Section – Biotower                          |
| 10                                     | D-4          | Demolition Plan – Oxidation Ditches                             |
| 11                                     | D-6          | Demolition Plan and Section – Selectors                         |
| 12                                     | D-7          | Demolition Plan and Section – Maintenance Building              |
| <b>CIVIL (C) DRAWINGS</b>              |              |   |
| 13                                     | C-3          | Site and Yard Piping – West                                     |
| 14                                     | C-4          | Site and Yard Piping – East                                     |
| <b>ARCHITECTURAL (A) DRAWINGS</b>      |              |   |
| 15                                     | A-1          | Architectural Code Summary                                      |
| 16                                     | A-2          | Architectural Plan – Blower Building                            |
| 17                                     | A-3          | Architectural Roof Plan – Blower Building                       |
| 18                                     | A-4          | Architectural Building Elevations – Blower Building             |
| <b>STRUCTURAL (S) DRAWINGS</b>         |              |   |
| 19                                     | S-1          | Structural General Notes  |
| 20                                     | S-3          | Structural Floor and Foundation Plan - Blower Building          |
| 21                                     | S-4          | Structural Roof Framing Plan - Blower Building                  |
| 22                                     | S-5          | Structural Plan – Aeration Basin Upgrades                       |
| 23                                     | S-6          | Structural Partial Plans and Sections - Aeration Basin Upgrades |
| 24                                     | S-7          | Structural Plan – Selector Upgrades                             |
| 25                                     | S-8          | Structural Partial Plans and Sections - Selector Upgrades       |
| <b>PROCESS MECHANICAL (M) DRAWINGS</b> |              |   |
| 26                                     | M-1          | Equipment Installation Plan and Section – Anoxic Selector       |



|                                |      |  |
|--------------------------------|------|--|
| 27                             | M-2  | Equipment Installation Plans – Aeration Basins #1:<br>Aeration Piping and                    |
| 28                             | M-3  | Equipment Installation Plans – Aeration <sup>Baffles</sup><br>Basins #2: Aeration Piping and |
| 29                             | M-4  | Equipment Installation <sup>Baffles</sup> Section – Aeration<br>Basins                       |
| 30                             | M-6  | Equipment Installation Plan and Section – Clarifier<br>Splitter Box                          |
| 31                             | M-7  | Equipment Installation Plan and Section –<br>RAS/WAS Pump Room                               |
| 32                             | M-8  | Equipment Installation Plan – Blower Building  |
| 33                             | M-9  | Equipment Installation Section – Blower Building:<br>Blowers                                 |
| <b>HVAC (H) DRAWINGS</b>       |      |  |
| 34                             | H-1  | HVAC Schematic   |
| 35                             | H-2  | HVAC Plan  |
| <b>PLUMBING (PL) DRAWINGS</b>  |      |  |
| 36                             | P-1  | Plumbing Schematic   |
| 37                             | P-2  | Plumbing Plan  |
| <b>ELECTRICAL (E) DRAWINGS</b> |      |  |
| 38                             | E-1  | Demolition Electrical Temporary Phasing Plan   |
| 39                             | E-2  | Electrical Site Plan – West  |
| 40                             | E-3  | Electrical Site Plan – East  |
| 41                             | E-4  | One-line Diagram Sheet 1   |
| 42                             | E-5  | One-line Diagram Sheet 2   |
| 43                             | E-6  | One-line Diagram Sheet 3   |
| 44                             | E-9  | Motor Control Center MCC-600 Replacement<br>EMCC #1 Elevation(s)                             |
| 45                             | E-10 | Motor Control Center MCC-200 Elevations(s)   |
| 46                             | E-12 | Electrical Plan – Aeration Basin #1  |
| 47                             | E-13 | Electrical Plan - Aeration Basin #2  |
| 48                             | E-14 | Electrical Plan – Blower Building  |
| <b>PID (I) DRAWINGS</b>        |      |  |
| 49                             | I-1  | Process and Instrumentation Symbols and<br>Abbreviations                                     |
| 50                             | I-2  | Process and Instrumentation Diagram – Anoxic<br>Selectors and Aeration                       |
| 51                             | I-3  | Process and Instrumentation Diagram Basin #2–<br>Aeration Basin #1 and Clarifier             |
| 52                             | I-4  | Process and Instrumentation <sup>Splitter</sup> BoxDiagram –<br>RAS WAS Piping               |
| 53                             | I-5  | Process and Instrumentation Diagram – Aeration<br>Blowers                                    |



2. Energy/Operational Savings Calculations
  - a. Calculate energy and operational savings for the ECMs listed above
  - b. Create pre- and post-retrofit measurement and verification plan
  - c. Coordinate with City regarding historical operational costs
  - d. Implement pre-retrofit M&V activities
  - e. Coordinate with local utility provider regarding applicable incentives
3. Cost Estimating
  - a. Collaborate with the City and DES to put together a list of preferred contractors per trade
  - b. Create RFP documents, receive and review proposals, determine costing per trade
  - c. Ensure that contractors are aware of all Ecology and Federal funding requirements:
    - i. Standard Contract Clauses
    - ii. SRF Pre-selection Insert
    - iii. SRF Service Contract Insert
    - iv. SRF Specification Insert
    - v. American Iron and Steel Requirement
  - d. Coordinate subcontractor site visits, respond to bidder questions, evaluate proposals, prepare GMAX costing and financial analysis
  - e. Prepare project financial analysis, review project scope, financing options, and pricing with City and DES, and develop final guaranteed maximum project pricing and project financial pro forma
4. Pre-Construction
  - a. Coordinate with subcontractors and vendors post-Energy Services Proposal and in advance of the Notice to Proceed.
  - b. Develop construction schedule with City
  - c. Review and route contract documents
  - d. Review construction logistics with City
  - e. Develop preliminary safety plan and identify safety requirements for the RFP
5. IGA progress meetings with the DES and City as required. Assumptions:
  - a. City staff will provide requested information to the extent that the information is available.
  - b. Trane will design around one equipment make and model for all improvements, however "equivalent" and "equal" equipment will be considered and evaluated by Trane, the DES, and City.
6. Energy Services Proposal
 

Trane will present to City and Department of Enterprise Services (DES) a written Energy Services Proposal (ESP), including the IGA documentation. The ESP will set forth at least the following:

  1. Executive Summary of the audit findings;
  2. A description of the Facility including type of use, square footage and location
  3. A description of those buildings and systems which shall receive Trane Equipment and Trane Services;
  4. The Baseline Energy Consumption for the Facility, including the data, methodology and variables used to compute the Baseline, and the Baseline calendar period which shall not be less than twelve (12) months, and must be multiples of (12) months if longer than (12) months;
  5. Utility rate schedules and/or Tariffs;
  6. A list of applicable building, mechanical, energy or other pertinent state and local codes that the facility currently does not meet or that may impact the project costs.
  7. The Guaranteed Energy Savings and estimated Energy Cost Savings that are expected to result from the installation of Trane Equipment and from Trane Service. Include an explanation of the method(s) used to determine energy savings and utility rate assumptions used to calculate the cost savings;
  8. The method by which Energy Savings and Energy Cost Savings will be calculated during the term of the Energy Services Authorization;



9. Description of the Cost Effective ECMs to be installed or caused to be installed by Trane;
10. Description of the ECMs analyzed but disqualified under the cost effectiveness criteria.
11. Trane’s Measurement and Verification (M&V) Plan for documenting energy savings, including specifying utility rates to be used, methodology, post-construction equipment adjustment and any recommendation to continue or discontinue M&V reporting beyond the first twelve months post-installation, consistent with the International Performance Measurement and Verification Protocol (IPMVP), specifying how the cost of M&V was determined;
12. Financial analysis of ECMs.
13. Summary table with measure name, installed cost, energy savings by utility, and O&M savings;
14. The services that Trane will perform or cause to be performed on or in the Facility, including but not limited to engineering, construction management, the operations and maintenance procedures for use on Trane Equipment, training for Facility personnel, providing warranty service, and equipment maintenance;
15. The Guaranteed Maximum Project Cost, itemized in detail (including but not limited to: labor, material and equipment, Construction Contingency, performance bond, design, construction management, and overhead and profit), which may be amended to represent actual costs;
16. Recommendations for replacement of Existing Equipment, along with recommendations for improvements to Existing Equipment and Operating Conditions;
17. A description of how Trane will finance its acquisition of Trane Equipment and when title to Trane Equipment will pass to the Owner;
18. A description of how Energy Savings will be guaranteed by Trane;
19. A description of how Trane proposes to be compensated;
20. The term of the Energy Services Authorization;
21. The Termination Value for each year during the term of the Energy Services Authorization;
22. The schedule for project completion;
23. The nature and extent of the Work and equipment that Trane anticipates it will receive from other firms under subcontract;
24. A project specific Diverse Business Inclusion Plan;
25. IGA report will be prepared by a person acting as the auditor of record, who must be a qualified energy auditor having training, expertise, and three years of professional experience in building energy auditing, and being any one of the following:
  - a. A licensed professional architect or engineer
  - b. An energy auditor, assessor, or analyst certified by the Association of Energy Engineers (AEE)

**City Responsibilities:**

1. Provide access to record drawings, O&M data, submittals, startup/TAB reports, etc. as required to allow Trane to fully develop the baseline operation of the existing systems to be studied.
2. Provide access to 24 - 36 months of historical utility data (electricity, natural gas, water, and sewer).
3. Provide access to staff and occupants with knowledge of history and operation of the systems to be studied as part of this IGA.
4. Provide access to the sites, buildings, and systems to be studied as required.
5. Provide access to City stakeholders during the IGA phase.

**Fixed Fee for IGA before tax (all fees subject to WSST):**

|  |           |
|--|-----------|
| BHC Design Fee:.....                         | \$631,647 |
| Trane Technologies Project Development:..... | \$244,183 |

---

Total Fixed IGA Fee:..... \$875,830



The above price remains valid for 60 days after the date of the proposal. After that time, Trane reserves the right to change the price. The BHC design fee will be billed regardless of whether the project moves to construction or not, the Trane project development fee will be billed based on whether the project meets the cost effectiveness criteria below.

**Cost Effectiveness Criteria:**

The cost of the Investment Grade Audit will be rolled into the final cost of the project should the City proceed with implementation of the subject project. Should Trane complete the scope outlined in this IGA Proposal and identify a project that meets the identified Cost Effectiveness Criteria, and the City chooses not to implement subject project with Trane, the City will reimburse Trane the entire IGA fee within 60 days after the submission of the ESP. If Trane is unable to identify a project that meets the identified Cost Effectiveness Criteria, the City will not be financially obligated to Trane for the Investment Grade Audit, but would still be obligated to pay BHC their design fee.

The cost effectiveness criteria for this IGA is divided into two categories, Technical and Financial. Trane will provide the following to the City as part of the IGA and future construction of selected ECM's.

- Technical: Use equipment selected by the City, provide a guaranteed maximum price and minimum energy savings identified prior to construction start, replace aging infrastructure, improve operation and reduce maintenance burden, risk transfer to Trane. Example of risk transfer may include, financial (guaranteed maximum cost), legal (Trane is managing and contracted with all subs-not the City), safety and additional management resources (Trane provides project management, site supervision, and safety)
- Financial: The ESP will demonstrate that the project is lifecycle cost effective (LCCA) over the expected life of the installed equipment and infrastructure. Lifecycle cost effectiveness will be defined by the following formula, where deferred capital cost is equal to the total project cost associated with delaying the project for 5-years.  $LLCA = (total\ project\ cost - utility\ incentives - grants - deferred\ capital\ cost) / (annual\ energy + identifiable\ O\&M\ savings)$ . In addition, Trane will complete energy and O&M savings calculations assuming an elevated baseline for future projected flows and plant loadings. \*\*\*\*Only energy savings will be guaranteed.

**Schedule for IGA Services:**

Substantial completion of this IGA will be within 300 days, and full completion within 350 days, of Notice to Proceed.

We at Trane appreciate the opportunity to provide these services. If this IGA proposal is satisfactory, please forward contract documents.

Sincerely,

Angie Estey  
Senior Account Executive  
Trane Technologies

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|   |  |  |
|---|--|--|
| <b>Meeting Date:</b>  | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>   | Res 23-1084 Interlocal Agrmt – 2025 Comp Plan Cost Sharing   |  |
| <b>Section of Agenda:</b>   | New Business   |  |
| <b>Department:</b>  | Community Development Department   |  |
| <b>Council Committee Review:</b>  | <b>Legal Review:</b>   |  |
| <input checked="" type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input type="checkbox"/> Parks   | <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Public Works<br><input type="checkbox"/> Other: _____ | <input type="checkbox"/> Yes - Reviewed<br><input checked="" type="checkbox"/> No - Not Reviewed<br><input type="checkbox"/> Review Not Required |
| <b>Attachments:</b>   |  |  |
| Res 23-1084, Proposed Interlocal Agreement  |  |  |
| <b>Summary Statement:</b>   |  |  |
| <p>Whatcom County and the cities located within the county cooperate in shared tasks when updating Comprehensive Plans. The Planners Group associated with these jurisdictions has created a scope of work which identifies 10 shared tasks. The total costs associated with these tasks have been estimated to equal \$600,000.</p> <p>Cost shares are determined primarily by population with Whatcom County and the City of Bellingham covering larger portions than any other jurisdiction (35.45% and 36.10% respectively). The City of Lynden is asked to contribute 6.91% of the cost which equates to \$41,421.</p> <p>The city's portion of this cost can be covered by State grant money awarded to the city. The total grant available is \$125,000 allotted toward the periodic update and up to \$500,000 allotted to resiliency planning.</p> |  |  |
| <b>Recommended Action:</b>  |  |  |
| <p>Motion to approve Resolution 23-1084 agreeing to participate in the interlocal agreement between Whatcom County cities, Whatcom County, and the Whatcom Council of Governments to share costs associated with cooperative work on 2025 Comprehensive Plan Updates and authorizing the mayor's signature on the resolution and agreement.</p>   |  |  |

CITY OF LYNDEN  
CITY COUNCIL RESOLUTION 23-1084

**A resolution of the Council of the City of Lynden, Washington to approve the Interlocal Agreement between Whatcom County, Whatcom Council of Governments (WCOG), and the Cities of Bellingham, Blain, Everson, Ferndale, Lynden, Nooksack, and Sumas Concerning Cost Sharing for Planning Studies Associated with the Comprehensive Plan Update and UGA (Urban Growth Area) Review**

WHEREAS, the Growth Management Act (GMA) requires the County and Cities to update their respective comprehensive plans, review and, if necessary, revise urban growth areas (UGAs) by June 30, 2025 (RCW 36.70A.130); and

WHEREAS, cooperative relationships, joint review of growth management planning issues, and coordination between the County and Cities are mutually beneficial; and

WHEREAS, the Cities, WCOG, and County desire to share costs for planning, transportation analysis, and environmental studies associated with the comprehensive plan urban growth area review that is due in 2025; and

WHEREAS, cost shares are primarily determined by the population of each jurisdiction; and

WHEREAS, Whatcom County will invoice the City of Lynden for its respective portion of the costs every three months; and

WHEREAS, to facilitate budgeting the City of Lynden agrees to pay specific percentages of the costs by the dates outlined in the agreement; and

WHEREAS, the City of Lynden will actively participate in consultant selection and the UGA review process; and

WHEREAS, the City of Lynden staff, the Community Development Committee have reviewed the document at the September 20, 2023, meeting and recommend no further changes.

**NOW THEREFORE, BE IT RESOLVED** by the Lynden City Council to approve the Interlocal Agreement (Exhibit A).

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF \_\_\_\_\_ IN FAVOR, \_\_\_\_\_ AGAINST, SIGNED THIS \_\_\_\_\_ DAY OF OCTOBER 2023.

MAYOR:

\_\_\_\_\_  
Scott Korthuis, Mayor

ATTEST:

\_\_\_\_\_  
Pam Brown, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Carmichael, City Attorney

**Exhibit A**

Interlocal Agreement

DRAFT INTERLOCAL AGREEMENT  
BETWEEN  
WHATCOM COUNTY, WCOG, AND THE CITIES OF BELLINGHAM,  
BLAINE, EVERSON, FERNDALE, LYNDEN, NOOKSACK, SUMAS  
CONCERNING COST SHARING FOR PLANNING STUDIES  
ASSOCIATED WITH THE COMPREHENSIVE PLAN UPDATE AND UGA REVIEW

This agreement is made by and between Whatcom County (herein after referred to as the “County”) and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas (herein after referred to as the “Cities”) and the Whatcom Council of Governments (hereinafter referred to as “WCOG”).

WHEREAS, the Growth Management Act (GMA) requires the County and Cities to update their respective comprehensive plans and review and, if necessary, revise urban growth areas by June 30, 2025 (RCW 36.70A.130); and

WHEREAS, cooperative relationships, joint review of growth management planning issues, and coordination between the County and Cities are mutually beneficial; and

WHEREAS, the Cities, WCOG, and County desire to share costs for planning, transportation analysis, and environmental studies associated with the comprehensive plan urban growth area review that is due by 2025;

NOW, THEREFORE, subject to the terms and conditions contained herein, the Cities, WCOG and County agree as follows:

**Section 1. Cost Sharing for Planning Studies**

The Cities, WCOG and the County agree to provide a total of \$600,000 for:

- \* County-wide population and housing projections and allocations to urban growth areas;
- \* County-wide employment projections and allocations to urban growth areas;
- \* Allocation of housing, households, population and employment to other geographic units;
- \* Land Capacity Analysis;
- \* Environmental review under the State Environmental Policy Act;
- \* Transportation model analysis support;
- \* Housing element work products;
- \* Tribal participation in planning;
- \* Climate planning – resiliency sub-element (GMA amendments in House Bill 1181);
- \* The 40 year planning strategy; and
- \* Project management, periodic update checklist, and expenses.

The WCOG will provide \$40,000 for technical allocations of population, dwelling units, households, group quarter population, and employment and transportation model analysis tasks.

The remaining \$560,000 will be apportioned as shown in the chart below. The County and each city will contribute a flat amount of \$5,000 and the remaining costs will be distributed based upon the percentage of population in the respective jurisdiction relative to the total population of Whatcom County in 2023.

|                                 | <b>2023<br/>OFM<br/>Population</b> | <b>% of<br/>Total<br/>Pop.</b> | <b>Equal<br/>Allocation<br/>Shares</b> | <b>Population<br/>Allocation<br/>Shares</b> | <b>Total<br/>Share for<br/>2025 Update</b> | <b>% of<br/>Total<br/>Cost</b> |
|---------------------------------|------------------------------------|--------------------------------|--|---|--|--------------------------------|
| Whatcom County (Unincorporated) | 94,175                             | 39.94%                         | \$5,000                                | \$207,680                                   | \$212,680                                  | 35.45%                         |
| Bellingham                      | 95,960                             | 40.70%                         | \$5,000                                | \$211,617                                   | \$216,617                                  | 36.10%                         |
| Blaine                          | 6,310                              | 2.68%                          | \$5,000                                | \$13,915                                    | \$18,915                                   | 3.15%                          |
| Everson                         | 3,135                              | 1.33%                          | \$5,000                                | \$6,913                                     | \$11,913                                   | 1.99%                          |
| Ferndale                        | 16,330                             | 6.93%                          | \$5,000                                | \$36,012                                    | \$41,012                                   | 6.84%                          |
| Lynden                          | 16,520                             | 7.01%                          | \$5,000                                | \$36,431                                    | \$41,431                                   | 6.91%                          |
| Nooksack                        | 1,560                              | 0.66%                          | \$5,000                                | \$3,440                                     | \$8,440                                    | 1.41%                          |
| Sumas                           | 1,810                              | 0.77%                          | \$5,000                                | \$3,992                                     | \$8,992                                    | 1.50%                          |
| WCOG                            |                                    |                                |  |   | \$40,000                                   | 6.67%                          |
| <b>TOTAL</b>                    | <b>235,800</b>                     | <b>100%</b>                    | <b>\$40,000</b>                        | <b>\$520,000</b>                            | <b>\$600,000</b>                           | <b>100.00%</b>                 |

**Section 2. Invoicing and Reimbursements**

The County agrees to invoice the Cities and WCOG for their respective portions of the costs every three months. The Cities and WCOG agree to reimburse the County for their respective portions of the costs within 30 days of receiving an invoice.

**Section 3. Budgeting**

In order to facilitate budgeting by the Cities and the County, it is agreed that:

- The cities and WCOG will plan to pay the County 50% of their total funding share by June 30, 2024.
- The cities and WCOG will plan to pay the County 25% of their total funding share between July 1, 2024 and December 31, 2024.
- The cities and WCOG will plan to pay the County 25% of their total funding share between January 1, 2025 and June 30, 2025.

The percentages in Section 3 of this agreement may be modified by written agreement of all of the County and city planning directors (or designees), without the need to amend this Interlocal Agreement. The County will invoice the cities at least 30 days prior to when payment is due.

**Section 4. Effective Date, Duration and Termination**

This agreement shall be effective upon signature by the Mayor and/or City Manager of each of the seven Cities, the Executive Director of WCOG and the Whatcom County Executive. This agreement shall remain in effect until June 30, 2026 unless modified or terminated by written agreement of the parties.

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF BELLINGHAM

By \_\_\_\_\_  
Seth Fleetwood, Mayor

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF BLAINE

By \_\_\_\_\_  
Michael Harmon, City Manager

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF EVERSON

By \_\_\_\_\_  
John Perry, Mayor

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF FERNDALE

By \_\_\_\_\_  
Greg Hansen, Mayor

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF LYNDEN

By \_\_\_\_\_  
Scott Korthuis, Mayor

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF NOOKSACK

By \_\_\_\_\_  
Kevin Hester, Mayor

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF SUMAS

By \_\_\_\_\_  
Bruce Bosch, Mayor

Date \_\_\_\_\_

Approved as to form:  
Office of the City Attorney

\_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

WHATCOM COUNCIL OF GOVERNMENTS

By \_\_\_\_\_  
Hugh Conroy, Executive Director

Date \_\_\_\_\_

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

WHATCOM COUNTY

By \_\_\_\_\_  
Satpal Sidhu, County Executive

Date \_\_\_\_\_

Approved as to form:  
Whatcom County Prosecutor

\_\_\_\_\_

# CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT  
360-354-3446



## PUBLIC WORKS COMMITTEE MINUTES

5:00 PM September 14, 2023  
City Hall 2<sup>nd</sup> Floor Large Conference Room

### CALL TO ORDER

- Members Present: Councilors Gary Bode and Ron DeValois
- Members Absent: Jerry Kuiken with notice
- Council Present: Brent Lenssen
- Staff Present: Mayor Scott Korthuis; City Administrator John Williams; Public Works Director Jon Hutchings; Programs Manager Mark Sandal; and Office Manager Heather Sytsma
- Public Present: Gary Vis

### ACTION ITEMS

#### 1. Review Minutes from August 9, 2023

**Action**

*The minutes from August 9, 2023, were recognized and accepted by the Committee.*

#### 2. Affirm Recommendation for Right-of-Way License to Allow Patio Seating and Service for Rustler's Front Street Grill

The Committee discussed the proposed Right-of-Way license to allow patio seating and service for Rustler's Front Street Grill. Sandal stated that the agreement is in review by the owners of Rustler's, and that once they are satisfied with the agreement, staff will forward to City Council for approval.

**Action**

*The Committee concurred that staff should continue the license process through Council to allow patio seating and service for Rustler's Front Street Grill by way of a Right-of-Way License. Motion: De Valois, Second: Lenssen, Confirm: Bode*

### INFORMATION ITEMS

#### 3. Preliminary 2024 Capital Project List

Hutchings distributed the draft 2024 Capital Project List, noting the following projects on the schedule for construction in 2024:

- Pine Street Bridge – the Committee discussed the structure (box culvert) and the distance of the channel to be completed adjacent to the project,

- Lynden High School parking lot rehabilitation – to be done in consideration for right-of-way for Bradley Road improvements,
- Hannegan/1<sup>st</sup> Intersection – dependent upon TIB grant receipt,
- Liberty and Edson Street Sidewalks – federal funds received,
- East Front Street Stabilization (South Side) – the Committee requested to wait on this until repairs are needed beyond the temporary repairs already in place,
- Judson LID Phase 2 – out to bid late 2023,
- Pump Station #4 – new force main to serve future development,
- WWTP Maintenance Building – PWTF loan received, RFQ published, due October 5<sup>th</sup>,
- Community Center – funds received are designated for repairing the heating and cooling systems only,
- Recreation Center – extensive roof and HVAC repairs have been identified; staff does not currently have a clear path forward.

The Committee discussed various areas of traffic congestion, specifically at areas where there is no designated left hand turn lane. Lenssen noted that a turn pocket is needed on Grover Street, heading west, for those turning north onto 1<sup>st</sup> Street. Sandal stated that staff has also looked into turn pockets at the Main and 1<sup>st</sup> Street and Grover and 1<sup>st</sup> Street intersections. Hutchings noted that a future proposed project is left-hand turn lane for those turning from Hannegan onto Riverview Road but noted that signage (“Left Turns Ahead”) could be added in the meantime.

**4. Preliminary List of 2024 Equipment Replacements**

Hutchings distributed the proposed equipment / vehicle replacement list. He noted that Ecology grant will fund three-quarters of the cost of a new sweeper, which is budgeted to cost \$400,000.

Hutchings summarized the Water and Wastewater Treatment Plants list of major maintenance and repair, noting these are needed to ensure ongoing function at both plants. He added that the contract for advancing the Wastewater Treatment Plant Capacity Upgrades will be coming to the next meeting.

**5. Preliminary List of 2024 Capital Facilities Improvements**

Hutchings distributed the list of facility repairs and maintenance.

**6. Proposed 2024 Utility Rate Increases**

This item was not discussed.

**7. Schedule for Pending Local Improvement Districts – Pump Station #17 and Guide Meridian Sewer**

Sandal explained that Pump Station #17 was designed to service property west towards Berthusen and Birch Bay Lynden Roads, and a special assessment area (assessed by Equivalent Residential Unit) needs to be developed for future connections. Staff will start determining costs once final project pricing is received.

Sandal said Guide Sewer, of which bids were just opened and Faber Construction was low bidder, will be another assessment area. This will include Front Street, north on the west side of Guide Meridian, boring under at the north property line of AM/PM before continuing north to 8329 Guide Meridian. He noted that existing businesses are eager to

connect, and AM/PM has already signed their “Septic to Sewer” form. Sandal stated that the assessment on this will be per acre.

**8. Projects Update**

The Committee briefly reviewed the current projects.

Sandal noted that the 3<sup>rd</sup>/Main/Depot Intersection pre-construction meeting was held today. Granite Construction is planning to start Monday September 25<sup>th</sup>. Work will be done at night with paving scheduled to be completed the week of October 2<sup>nd</sup> .

**NEW BUSINESS:**

**9. Resolution No. 23-1081 Approving City of Lynden Use of Clean Water State Revolving Funds and Stormwater Financial Assistance under Agreement Number WQC-2024-LyndPW-00002 for Construction of Judson Street Downtown LID Demonstration Project – Phase 3**

The Committee discussed the Judson project, noting that Phase 1 turned out very nice and they are looking forward to phases 2 and 3.

**Action**

***The Committee concurred to forward Resolution No. 23-1081 to City Council for approval.***

**10. Revisit Ordinance No. 23-1667 Parking and Loading**

Williams reminded the Committee of the decision made in March 2023, to open Evergreen Street to on-street parking at the request of local businesses. Williams explained that other businesses in the area with large trucks are having problems turning at the corner of Evergreen Street and Agronomy Way. Williams also noted that the “No Parking” signs are still in place. Williams and Hutchings said they will clarify the length of curb where parking will be restricted and then staff can move signs and paint the curb red in this area.

**Action**

***The Committee concurred that staff should move the No Parking signs to limit parking near the corner of Agronomy Way and Evergreen Street and to paint the curb red in that same area.***

**11. Request for Pedestrian Actuated Crosswalk on Depot Road at Trail Project**

Korthuis stated that he and Council members had received a request from a citizen for a pedestrian-activated flashing lights at the crosswalk on Depot Road that will connect sections of the Jim Kaemingk Trail. He then explained that these will be installed with Phase 3 in 2024.

**ADJOURNMENT:** The meeting was adjourned at 6:20 pm.

**NEXT MEETING:** October 4, 2023

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|                                  |  |  |
|----------------------------------|--|--|
| <b>Meeting Date:</b>             | October 2, 2023  |  |
| <b>Name of Agenda Item:</b>      | Community Development Committee Minutes of 9-20-23   |  |
| <b>Section of Agenda:</b>        | Other  |  |
| <b>Department:</b>               | Community Development Department   |  |
| <b>Council Committee Review:</b> | <input type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input type="checkbox"/> Parks | <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Public Works<br><input type="checkbox"/> Other: _____   |
|                                  |  | <b>Legal Review:</b><br><input type="checkbox"/> Yes - Reviewed<br><input type="checkbox"/> No - Not Reviewed<br><input checked="" type="checkbox"/> Review Not Required |
| <b>Attachments:</b>              | Draft CDC Minutes of 9-20-23   |  |
| <b>Summary Statement:</b>        | Draft CDC minutes attached for review.   |  |
| <b>Recommended Action:</b>       | Council review.  |  |



## COMMUNITY DEVELOPMENT COMMITTEE MINUTES

4:00 PM September 20, 2023  
2<sup>nd</sup> Floor Conference Room, City Hall

### 1. ROLL CALL

Council: Brent Lenssen, Gary Bode, Kyle Strengholt, Mayor Scott Korthuis  
Staff: John Williams, Dave Timmer, Heidi Gudde, Chief Mark Billmire, Jon Hutchings  
Guests: Dale Assink

### 2. APPROVAL OF MINUTES

Community Development Committee Meeting Minutes of 8/23/23 approved as presented.

### 3. DISCUSSION ITEMS

LMC Text Amendment - Special Events

Dave Timmer gave the committee a summary of the edits and notes that had been made following the last CDC meeting. The proposed code includes four tiers of events. The tiers relate to the scale of event and the level of city involvement. Tier 1 would replace the “Dance Permit” that’s currently in the code. Tier 4 would be used for the largest events such as the Farmers Day Parade that include significant street closures and City Council approval.

Exemptions for private property were discussed. Some unease about the city barging into a private event on private property. This led to further discussion regarding the number of people that triggers a “special event” – 75 is the number listed. This is a somewhat random number with the thought that impacts beyond the private property likely occur. More than 75 would require the permit – following this discussion that number remains unchanged.

The goal of the permit, especially the first couple of tiers, is to inform the city about events that are occurring so that police and fire are aware. This would include constitutional protected events that are not subject to a fee or regulation. Keeping these as tier 1 should be beneficial for both the city and the organization.

The special event permit also gives staff an opportunity to require trash collection, portable restrooms, etc which lessens the impact to businesses and surrounding properties.

Additional discussion occurred as to what arterial streets could be closed administratively. The committee concluded that 4<sup>th</sup> street closures and non-arterials could be administratively, but all other arterial streets would require Council approval to close (including 5<sup>th</sup> St). Neighborhood collector streets could be closed administratively (for block parties, for example).

The Committee did not give specific direction on application fees or costs associated with city services.

Conclusions: Code revisions to go to Public Safety Committee in October.

a. LMC Text Amendment – Patio Screening and Enclosure

Discussed the details of a text amendment to the deck and patio screening and enclosure in LMC 19.22.030. The Committee discussed the amount of ventilation that would be required to keep the space unsealed from the outside. Consensus was that the square footage should match at the bottom and the top of solid screening panel or within the truss if trusses are exposed.

Conclusions: Staff to revise the language to include specifics about venting.

b. Cost Sharing Interlocal Agreement – Comp Plan 2025

The committee discussed the interlocal agreement for cost sharing the expenses associated with consultant assistance with a series of tasks which will benefit Whatcom County and the cities within Whatcom County. The cost shares are determined primarily on population. The group discussed the total contract that Whatcom County will be executing as well as the consultant selection process.

The Committee did not suggest any changes to the interlocal and asked that staff bring it to full Council for review.

**Next Meeting Date: October 18, 2023**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



|   |  |  |
|---|--|--|
| <b>Meeting Date:</b>                                | October 2, 2023,   |  |
| <b>Name of Agenda Item:</b>                         | Draft Parks Committee Minutes September 18, 2023,  |  |
| <b>Section of Agenda:</b>                           | Other Business   |  |
| <b>Department:</b>                                  | Parks  |  |
| <b>Council Committee Review:</b>                    | <input type="checkbox"/> Community Development<br><input type="checkbox"/> Finance<br><input checked="" type="checkbox"/> Parks  | <input type="checkbox"/> Public Safety<br><input type="checkbox"/> Public Works<br><input type="checkbox"/> Other: _____ |
|   | <b>Legal Review:</b><br><input type="checkbox"/> Yes - Reviewed<br><input type="checkbox"/> No - Not Reviewed<br><input checked="" type="checkbox"/> Review Not Required |  |
| <b>Attachments:</b>                                 |  |  |
| ES-Draft Parks Committee Minutes September 18, 2023 |  |  |
| <b>Summary Statement:</b>                           |  |  |
| See Next page                                       |  |  |
| <b>Recommended Action:</b>                          |  |  |
| For Council Review                                  |  |  |

# CITY OF LYNDEN



PARKS DEPARTMENT  
Brent De Ruyter, Parks Director  
(360) 354 - 6717

## PARKS COMMITTEEMEETING MINUTES September 18, 2023

### 1. ROLL CALL:

**Members Present:** Mayor Scott Korthuis, Councilors; Ron DeValois, Nick Laninga, and Mark Wohlrab

**Staff Present:** City Administrator; John Williams, Parks Director Brent DeRuyter, and Parks Admin. Assistant Nancy Norris.

### 2. ACTION ITEMS:

#### A. Approval of Parks Committee Minutes- August 21, 2023

Laniga motioned to approve the August 21, 2023, minutes, Wohlrab concurred and DeValois approved the motion.

**Action: The Parks Committee Minutes from August 21, 2023, were approved**

### 3. INFORMATION ITEMS:

#### A. SHKS Information on Benson Barn

Awaiting final decision on commitment to the project. The deadline for commitment is Friday September 22, 2023.

#### B. Updates on Parks and Trails projects

##### - Benson Park

Preliminary bridge materials are pressure treated and some are in the barn. An updated draft of Benson Park was presented from SCJ -Overdorf, no cost or description was included other than showing a possible phased approach. The first phase would include the site infrastructure.

##### - Schoolyard

Awaiting architectural plans to go to permit, still momentum. The 2-inch water meter has been ordered.

##### - Trails

Depot-8<sup>th</sup> St. construction is moving well and bank stabilization complete. Abutments are being poured this week. WRS has done a great job on this project, keeping it on schedule. Pedestrian crossing lights will be installed at the Depot Road crossing to this trail section in its final stage. The agreement has been sent to VGL to sign.

##### - Bender and Berthusen Volunteer Groups

Whatcom Million Trees Project is helping remove ivy at Berthusen and Dickinson and LC Students have helped with clean-up and mulch installation at Bender Fields

# CITY OF LYNDEN



PARKS DEPARTMENT  
Brent De Ruyter, Parks Director  
(360) 354 - 6717

## **C. Civic Rec**

Financial extract content has been approved and is being drawn up. An additional custom extract program needed to be developed for Civic Rec, Forte and Caselle to work together. The estimate cost was \$3750. With the approval, Civic Rec can now integrate all 3 systems to work together.

## **Dickinson and Berthusen Property Upgrades**

Tenants have moved into the Berthusen house and are getting settled in and accustomed to living in a park.

The maintenance crew has been finalizing all the small upgrades that have arisen at both properties.

At the Dickinson house, the decision was made to remove the carport section only and leave the attached storage shed on the Dickinson driveway.

## **D. Budget Discussion**

Initial meeting has been completed with Finance Department and awaiting a follow-up meeting/discussion.

Speaking with Finance Director Burrows, it was agreed to have the rent from the 3-park houses be deposited into Capital. In the future all maintenance costs will come out of the Capital account instead of the Parks operation budget.

## **4. ITEMS ADDED**

### **A. -Project List for committee review.**

The Parks Committee reviewed the September 2023 Park Projects list.

**Meeting Adjourned 4:52 PM.**

**NEXT MEETING-Monday, October 16, 2023**